

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

Eastern Division

MICHAEL BUSH; LINDA TAYLOR; LISA
TIERNAN; KATE HENDERSON; ROBERT EGRI;
KATALIN EGRI; ANITA OPTIZ; MONICA
GRANFIELD, ANN LINSEY HURLEY; IAN
SAMPSON; SUSAN PROVENZANO; JOSEPH
PROVENZANO,
Pro Se Plaintiffs

VS.

LINDA FANTASIA; MARTHA FEENEY-PATTEN;
ANTHONY MARIANO; CATHERINE
GALLIGAN; JEAN JASAITIS BARRY; PATRICK
COLLINS; DAVID ERICKSON; TIMOTHY
GODDARD; TOWN OF CARLISLE; JOHN DOE;
JANE DOE
Defendants

Case No.

1:21-cv-11794-ADB

**EMERGENCY MOTION TO STRIKE DEFENDANTS' EX PARTE
LETTER TO THE COURT FROM THE DOCKET**

On March 11, 2022 the Defendants' counsel electronically filed an ex parte letter of the same date with this Court regarding this case. As that letter bears no relation to the Federal or Local Rules of Civil Procedure nor cites any law or legal argument supporting its submission to the Court, we undersigned Pro Se Plaintiffs would like to briefly bring some relevant points to the Court's attention.

Just as the Defendants' counsel neglected to and/or avoided conferring with any of us before filing the Defendants' defective Motion To Dismiss, the Defendants' counsel has in this instance also made no attempt to confer with any of us before filing his latest letter with this Court. Thus, we are filing this emergency motion without conferring with the Defendants' counsel.

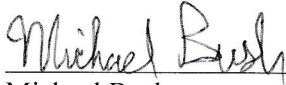
In his ex parte letter, the Defendants' counsel provides no explanation as to why he is submitting it to the Court or its relevance to this case. It seems the Defendants' counsel is hoping to mislead the Court into concluding this case is moot. It is anything but moot, a mere few of many reasons being that:

1. The Defendants' counsel contradicts his own assertions in his letter by claiming the Board of Health Defendants "rescinded" their face mask mandate. As is clear to see in those Defendants' own statement their counsel quotes in his letter, they merely "lifted" their mandate—they failed to acknowledge it was unlawful to begin with.
2. Whether intentionally or negligently, the Defendants' counsel incorrectly asserts in his letter that there is only one face mask mandate at issue in this case. That is false, as both our Complaint and Opposition to the Defendants' Motion to Dismiss make abundantly clear.
3. In our Complaint we seek declaratory and injunctive relief as well as compensatory, nominal, presumed, and/or punitive damages to be awarded. Thus, the Defendants' counsel's letter and the status of any face mask mandates are utterly immaterial and impertinent.
4. Were cases to be dismissed because defendants cease or temporarily refrain from improper conduct, such reasoning would render 42 U.S.C. §1983 meaningless and useless and would likely render many if not most lawsuits pointless merely because the events in question occurred in the past.

Wherefore, the undersigned Pro Se Plaintiffs request the Court strike the Defendants' counsel's ex parte letter to the Court from the docket.

Date: March 12, 2022

Respectfully submitted,

 Michael Bush, Pro Se
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March 11, 2022

/s/ Ann Linsey Hurley, Pro Se

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CERTIFICATE OF SERVICE

I, Michael Bush, hereby certify that I have, on this 12th day of March, 2022, electronically served a copy of the foregoing and any accompanying document(s) pursuant to Fed. Rule Civ. Proc. 5(b)(2)(E) and Local Rule 5.2 upon the following:

John J. Davis, BBO #115890
10 Post Office Square, Suite 1100N
Boston, MA 02109

Michael Bush, Pro Se
Michael Bush